

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE**

MARY LOUISE TAYLOR,)	
)	
Plaintiff,)	
)	No.
v.)	
)	
STANDARD INSURANCE COMPANY,)	
)	
Defendant.)	

NOTICE OF REMOVAL OF CIVIL ACTION

**TO THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
TENNESSEE:**

Defendant/removing party, STANDARD INSURANCE COMPANY (“Standard” or “defendant/removing party”), by its attorneys, Warren von Schleicher of Smith, von Schleicher & Associates and J. Gregory Grisham of Leitner, Williams, Dooley & Napolitan, PLLC, hereby provides notice of removal pursuant to 28 U.S.C. §1441, *et. seq.*, and respectfully presents this Court the following grounds for removal:

1. Defendant/removing party is the defendant in an action captioned *Mary Louise Taylor v. Standard Insurance Company*, No. CH 08-1463 pending in the Chancery Court of Shelby County, Tennessee, for the Thirtieth Judicial District at Memphis.
2. The aforementioned entitled action was commenced against the defendant/removing party in the Chancery Court of Shelby County, Tennessee, for the Thirtieth Judicial District at Memphis on August 8, 2008 and is still pending therein.
3. On August 14, 2008, the Summons and Complaint in the aforesaid entitled action were served on the removing party *via* the Secretary of State of Tennessee as the agent for service of process and such Summons and Complaint were forwarded to the removing party

thereafter. A copy of the Summons and Complaint, with Exhibits A through H attached thereto, that were, in fact, served on the defendant/removing party in the above entitled action are attached hereto as Exhibits A and B, respectively; this constitutes all of the process, pleadings and orders served on the defendant/removing party.

4. Defendant/removing party, Standard, is required to file its Notice of Removal on or before September 15, 2008 (30 days after service of the Complaint falls on Saturday, September 13, 2008 and, therefore, the last day for Standard to file its Notice of Removal is September 15, 2008). Given that defendant/removing party, Standard, in fact, has filed its Notice of Removal on or before September 15, 2008, defendant's/removing party's Notice of Removal is presented and filed in a timely manner and in compliance with the provisions of 28 U.S.C. §1446(b).

5. The above entitled action is a civil action related to a claim for life insurance proceeds that the plaintiff, Mary Louise Taylor ("Taylor" or "plaintiff"), as an alleged beneficiary thereof, alleges she is entitled to receive pursuant to the terms and conditions of a life insurance policy issued by Standard to State of Tennessee, County of Shelby for the benefit of employees of Shelby County, Tennessee, of which Al Rufus Taylor, deceased ("decedent"), was an employee and insured. Pursuant to plaintiff's allegations contained in her First Claim – Breach of Contract, her Second Claim – Fraud and/or Misrepresentation, her Third Claim – Violations of the Tennessee Consumer Protection Act and her Fourth Claim – Bad Faith Refusal to Pay Claim, plaintiff requests that she be awarded a judgment of \$250,000.00, or an amount to be more specifically proven either before or at trial; that plaintiff be awarded \$750,000.00 in punitive damages, or an amount to be more specifically proven either before or at trial; that plaintiff be awarded treble damages pursuant to the Tennessee Consumer Protection Act and/or

other penalties as provided in the bad faith denial of an insurance claim statute; that plaintiff be awarded attorney fees, discretionary costs, court costs and expenses and such other and further relief to which she may be entitled by law.

By reason of the foregoing requests for damages sought by plaintiff in her First, Second, Third and Fourth Claims of the Complaint, the total amount of damages demanded, by the Complaint, at the time the Complaint was filed, exceeds the jurisdictional limit of \$75,000.00 exclusive of interests and costs.

6. Plaintiff, Taylor, for purposes of diversity jurisdiction, is a citizen and resident of the State of Tennessee; defendant/removing party, Standard, is a corporation duly organized and existing under and by virtue of the laws of the State of Oregon, with its principal place of business in Portland, Oregon and is, therefore, for purposes of diversity jurisdiction, a citizen and resident of the State of Oregon. Diversity between the parties, therefore, exists.

7. The above entitled action is a civil action related to a claim for life insurance proceeds, as well as punitive, statutory and other damages, to which the plaintiff alleges she is entitled to receive and by which she seeks payment of life insurance proceeds under the terms and conditions of the life insurance policy pursuant to which plaintiff claims she is a beneficiary. Defendant/removing party contends, *inter alia*, that there are competing claims to the life insurance policy proceeds to which plaintiff has made claim and, therefore, defendant/removing party wishes to interplead the life insurance policy proceeds. Because there is complete diversity between the parties to this matter and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs, defendant/removing party is entitled to removal of this matter from state court to federal court pursuant to 28 U.S.C. §1441, *et. seq.*

8. This Court has original jurisdiction of the above entitled action pursuant to 28 U.S.C. §1332 and the action may, therefore, be removed to this Court pursuant to 28 U.S.C. §1441 and 28 U.S.C. §1446.

9. It is the good faith belief of defendant/removing party that the amount in controversy exceeds the jurisdictional amount required to federal diversity jurisdiction.

10. This Notice of Removal is filed with this court within 30 days after service of the Summons and Complaint, and all exhibits attached thereto, on defendant/removing party which occurred on or about August 14, 2008.

WHEREFORE, defendant/removing party, Standard, requests that the above entitled action be removed from the Chancery Court of Shelby County, Tennessee, for the Thirtieth Judicial District at Memphis.

Dated this 11th day of September, 2008.

Respectfully submitted,

By: /s/ W. Sebastian von Schleicher
Attorney for Defendant/Removing Party,
Standard Insurance Company

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